

**Notice of Allowability**

Application No.

09/538,223

Examiner

Twyler M. Lamb

Applicant(s)

ENOKIDA ET AL.

Art Unit

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment, filed 9/16/04.
2. ☒ The allowed claim(s) is/are 1-4, 11-15, 17-23, 25-32, 38-43, 45-53, 55-65 and 67.
3. ☒ The drawings filed on 9/3/2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**TWYLER LAMB**  
**PRIMARY EXAMINER**

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond Diperna, Reg. No. 44,063 on 1/14/05.

The application has been amended as follows: Please change claim 47 to depend on claim 43 since claim 44 was canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 703-308-8823. The examiner can normally be reached on M-Thurs 6:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Twyler M. Lamb  
Primary Examiner  
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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Amendment, filed 9/16/04, with respect to claims 1-4, 11-15, 17-23, 25-32, 38-43, 45-53, 55-65 and 67 have been fully considered and are persuasive. The rejections of 1-4, 11-15, 17-23, 25-32, 38-43, 45-53, 55-65 and 67 have been withdrawn.

With the cancellation of claims 15, 16 and 44 and the current amendments to claims 1, 11, 12, 14, 18, 26, 38, 46, 48, 56, 63-65 and 67, the application is now in condition for allowance.

### ***Reasons for Allowance***

2. Claims 1-4, 11-15, 17-23, 25-32, 38-43, 45-53, 55-65 and 67 are allowed over the prior art of record. Claims 1-4, 11-15, 17-23, 25, 55, 26-32, 38-43, 47, 45-46, 48-53, 55-65 and 67 are renumbered as 1-51 respectively.

3. The art of record does not teach nor suggest "suggest designating an important area of the material images which form the mosaic image, and obtaining a second image characteristic of each of the plurality of material images in dependence upon the important area, and calculating a difference between a first image characteristic of each area and the second image characteristic to calculate distances between each area of the first image and each of the material images" as stated in the arguments of Amendment, filed 9/16/04, page 24, line 21 – page 25, line 4.

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4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably **accompany** the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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